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as a second class magistrate should be posted to Mara River, and that an Assistant District Commissioner should be transferred from Nsrok to Mara as soon as the military situation permitted; and that, in future, the Mara District should be controlled by a District Commissioner, and that the station should be considered as the headquarters of the area and no longer as a sub-station under Nsrok. One officer of the Nsrok District was to be posted continually in the vicinity of Semboi's village, near the German border, to attend to intelligence work and administrative matters in that locality, while, in addition to his work as officer in charge of the reserve, Mr. Hemsted would undertake the work of District Commissioner, Nsrok. His Excellency did not consider it desirable to gazette the suggested districts at that time, but approved the proposal that these administrative areas should be adhered to by the officers in the reserve.

Administrative Establishment, Reserve, 1918.

The establishment of the administrative staff in the Mansi Reserve then mentioned was:—

At Ngeng—One District Commissioner and one Assistant District Commissioner.

At Nsrok—The Officer-in-Charge and District Commissioner.

At Mara River—One District Commissioner, with the subsequent addition of one Assistant District Commissioner to be transferred from Nsrok.

Present Authorised Establishment.

No changes have been made in these arrangements since 1918, except that a District Commissioner has been posted to Nsrok in addition to the officer-in-charge, and the districts suggested by Mr. Hemsted have been accepted for administrative use though their boundaries have never been gazetted. The authorised establishment of European officials has been slightly augmented and now stands as follows:—

One Officer-in-Charge.

Nsrok District—One District Commissioner, one Assistant District Commissioner.

Ngeng District—One District Commissioner, one Assistant District Commissioner.

Mara District—One District Commissioner.

Unattached—One Assistant District Commissioner.

System of Administration.

The system of administration which has been pursued in dealing with the Masai has been that commonly employed in the case of other native tribes in the Protectorate, namely, the utilization of the tribal system of self-government as sanctioned by native law and custom, supported by the assistance and co-operation of the administrative officers in an advisory capacity, by the help afforded by the courts of law, and by the police where necessary. The proposals made by Mr. Hemsted in 1913 have, in effect, been put into force, and a system of native tribunals was established and recognised under the Native Tribunal Rules of 1918. A list of the tribunals which are so recognised at present is to be found in Appendix C.

*646 The Inefficiency of the native tribunals.

It cannot be said that this system of self-government has proved the success it was hoped. Though it might be thought from the past record of successful raids that the tribal organization of the Masai would lend itself in an admirable way to tribal control, it has been found that the Masai are, in fact, incapable of ruling themselves under the changed circumstances that have been brought about by the introduction and establishment of the Pax Britannica. The ignorant, lazy and conceited Morans, are quite out of the control of the elders. Spasmodic efforts are made by the Councils to assert their authority, but their decisions, when they arrive at any, are invariably ignored in cases where the young men are concerned, and the elders fully admit that they are powerless.

Only one Council has attained to any real measure of success and that is the one presided over by Ngeny at Ngeng. This Council is supported by the majority of the members of the [illegible], a tribute to Ngenye's exceptionally strong

[See pp. 223-224--A704/27]

character and great reputation as a medicine-man, but even his influence does not extend throughout the Purko and Loita divisions. The Council presided over by Sanderi also possesses a certain measure of authority, but these two present the only instances where respect is given and the respect shown in these cases is due almost entirely to the personalities of the individual presidents and not to the system which they represent.

The population of the Masai Reserve numbers not much more than 40,000, of whom the great majority are Masai, but which also includes a considerable number of pure or half-caste Kikuyu. The indigent lives led by the Masai pastoralists possess considerable attraction for the neighbouring Kikuyu, who being less wealthy, are under the necessity of performing agricultural and manual labour either in their reserves or on alienated lands. For many years, the Kikuyu and Masai have engaged in trade, and their lands being contiguous, they have had ample opportunities for intercourse. To satisfy their ambitions of an idle life, migrations of individuals from Kikuyu to Masai country have been of not infrequent occurrence and the Masai Reserve therefore contains these scattered units, mainly among the divisions known as the Kaputiei and Il Dala Lekutuk.

The policy of the Government in dealing with the native tribes in the East African Protectorate has been to develop their agricultural instincts and industry and to discourage tendencies towards pastoralism. This policy has been pursued with success among the Kavirondo, Kikuyu and other tribes who, when encountered by the administration were under the necessity of engaging in agriculture and has been introduced with fair results into the system of such pastoral tribes as the Nandi and Lumbwa, but with the Masai it has been a total failure. Though encouragement has always been given, the Masai have shown no inclination to till the soil, and in the only recent cases where gardens have been prepared at the instigation of Masai owners, the labour employed was drawn from the Kikuyu tribe.

The increased activity in recruiting natives as porters for the Carrier Corps necessitated by the military situation in March and April, 1917, led to the emigration of a number of Kikuyu from their own country into the Masai Reserve, and these emigrants, with a view to escaping enrolment, signed agreements to work as servants for Indians, Somalis and Masai. Colonel Ainsworth, then Military Commissioner for Labour, represented that, while such evasion of their duties was highly reprehensible in regard to the employment with Indians and Somalis, any system which admitted of Kikuyu working for Masai was open to the greatest objections on both administrative and economic grounds. The question of such Kikuyu emigration to the Masai Reserve and elsewhere was discussed in Executive Council in June, 1917, and was referred to the Chairman of the Special Committee appointed to consider the "Resident Natives Bill," but no division on the matter has yet been reported.

In view of the general desirability of discouraging such emigration of Kikuyu natives, the policy has been adopted in the Masai Reserve of preventing all Kikuyu living in that reserve who cannot claim by long residence or circumcision rights to have become Masai, and of returning them to their own reserve. This policy applies to the cases of all those Kikuyu who have joined the Masai since the move from Laikipia. Efforts have also been made to register all Kikuyu who may be considered to have become Masai.

An important step in the revision of the system of Masai administration was undertaken early in 1918, when the measure mainly connected with the personality of the holder, the Acting Governor recommended that the office of Paramount Chief of the Masai should be abolished.

At the time of Lenana's death, in 1911, Seggi was still a boy, and control over the Masai was exercised by the two regents, Ngorora and Lenguldoo. When Seggi came of age and assumed the duties assigned to him in his capacity as Paramount Chief, he was given an extended trial but proved himself to be totally unreliable. He lacked energy, physique and moral courage; he was intemperate and untrustworthy; he appeared to regard any administrative function as an

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The Kikuyu element in the Masai Reserve. 543

Masai attitude to agricultural labour. 548* 461 241

Work by Kikuyu in the Masai Reserve. 548* 543

Present policy in dealing with Kikuyu emigration.

The Paramount Chief. 548* 541 543

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On the 14th of February, 1918, the Acting Governor discussed the proposal with the members of Executive Council, who agreed with him as to the desirability of the formation of such an institution and of sub-councils, which would deal with specific matters in specified areas.

In reporting this decision to the Secretary of State, Mr. Bowring remarked that he regarded the word "representatives," as used in the Agreement, to mean the representatives for the time being, and he considered that, if the members of the council were selected with the approval of the respective sections of the tribe represented by them, they might be regarded as the representatives of the Maori for the purposes of the Agreement.

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On the 14th of February, Mr. Hanaiori submitted for approval a list of Native Councils which it was proposed to recognise for the purposes of the Native Tribunal Rules, and which would exercise the powers of Collective Hardcourt under the Native Authority Ordinance. The Councils had been chosen in accordance with Maori custom, and consisted of the recognised "Aigarenuki," or councillors of the different ~~ex~~-associated ages of the various tribal divisions, with a few of the more influential chiefs and Horas added. The presidents had been selected from the "Aigarenuki" by the Maori themselves, and were those who had been accustomed to preside at the council meetings.

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The members of the Native Councils

These presidents of councils would also form the council which had been proposed by the Acting Governor, and were considered to be sufficiently representative of the Maori tribe, all the principal tribal divisions being represented, and arrangements had been made for the council so constituted to meet at Rotorua, not less than twice a year, for discussing matters affecting the tribe as a whole, as well as those connected with the Agreement of 1911.

The lists so submitted contained the names of "Aigarenuki" of the "Hiahia," and it was intended that they should exercise jurisdiction as headmen over their own Horas only. Horas "Aigarenuki" were not ordinarily admitted to councils of chiefs by native custom, but, as the chiefs did not themselves possess any great measure of control over the Horas, it was thought that the appointment of such leading warriors might tend to improve the situation. These appointments were intended to be purely of a temporary character, as the age of Horas then in power was shortly being ~~ex~~-over, its members giving place to the new age, and themselves becoming chiefs, but, in view of this, it was eventually decided to cancel the suggested appointments, at any rate until the new age had assumed its responsibilities, and chosen its own representatives. A list of the Councils granted, and of the headmen appointed to preside over them, is to be found in Appendix A.

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Inaugural meeting of the Maori Council

The inaugural meeting of the Council was held at Rotorua on the 1st to the 6th of April, 1918. There were present Nepia Ohe Lemana, Paramount Chief, Rotorua; Lagoshire and Ohe Rotorua, respectively presidents of the Parkes Council for the Rotorua, Horo, and Rotorua areas; Ohe Kaiaga, Hiaraga Ohe Paraiwa, Ohe Kaaka (sen.) and Rotaiha, presidents of the Ohinemi, Kahungaiwa, Lotu and Ohiu Councils respectively; Kaiaga, representing Rotaiha, president of the Ngatiwai (Ladyshirt) Council; Ohe Hiaraga, representing Ohe Hiaraga, president of the Ngatiwai (Ladyshirt) Council; Ngatiwai, president of the Ngatiwai (Englishman) Council; Ohe Raiparaha, Hiaraga Ohe Kaaka and Ohakahiwa, respectively presidents of the Councils of the Ohiu Hiaraga, Kaparaha and Raiparaha Divisions. The Officer-in-Charge explained to the chiefs that they had been called as representatives of all the Maori, and that they would have a permanent council for the purpose of discussing the affairs of the tribe as a whole, and the matters arising out of the Agreement; and in order to assist the Government in carrying out its policy. The Maori were expected to rule themselves under the direction of their officers and to help maintain law and order in their own country. The tribal councils, which had been formed in each division according to native custom, were intended to settle local matters dealing with land or property and to punish people for minor offences.

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The idea of the Council appealed to the Maori tribe as a whole, and the members of the Council agreed to attend to all matters affecting the tribe, and also to settle cases which the local sub-councils had been unable to decide.

Various matters were discussed at the meeting. The Council recorded their opinion that they were opposed to the location system, as applied to the Akaroa, though they were willing to accept the idea as applied to the Waste. The abolition of certain sites selected for the erection of water mills on temporary occupation licences was agreed to by the Council, who also approved the establishment of any further trading centres at places where the Government considered them advisable. Deputy presidents of sub-councils were elected to represent the president on the Council when the latter should be unable to attend.

In regard to the local administration of the Maori, the Council considered that the "Hui" system should be continued for the coming year of Waste, as this system made for better control, but agreed that the "Hui's" should be small and that the Waste should not change their "Hui's" after these had once been made up. The visiting Waste were to be forbidden to carry on the practice of cohabitation with young girls, and the Council agreed that it would be beneficial for a number of Waste, according to the size of each "Hui," to go out to work, either as herds, or as cadets. At the same time, they cautioned that they could not enforce such a decision unaided and were opposed to the idea of purely manual labour.

Section 3.—DISEASES OF ANIMALS.

(1) Cancer.

The two most serious stock diseases which are encountered in the Maori reserves are East Coast Fever and Pleuro-pneumonia. A variety of other diseases attack the flocks and herds at various times, but these two are responsible for a higher mortality than any of the others.

That Maori stock should be largely subject to disease is only to be expected, in consideration of the enormous numbers of cattle and sheep located in the reserves, and of the consequent congestion in the grazing areas. Treatment of the diseases has not yet been undertaken in any comprehensive manner, though it has been suggested and approved in the case of some of them. But the necessity for making any treatment attempted successfully applicable throughout the reserves, if immunity is to be obtained, has in each case rendered the staff available insufficient to cope with the masses of stock that would require treatment, and but little actual progress has been made. It is readily recognised that the provision of veterinary facilities for Maori stock is among the most important matters now before the administration, but, owing to the impossibility of procuring the necessary increase of personnel, material and funds while war conditions prevail, it is also recognised that the work must wait until the conclusion of hostilities.

In the end of 1917 and the beginning of 1918, the Officer in Charge went to Inspect reports of diseases which were affecting stock in the Maori Reserves. He estimated that between May, 1917, and March, 1918, the Maori had lost by disease more than one hundred thousand head of cattle and about one million sheep. East Coast fever, contagious scabies, pleuro-pneumonia, foot and mouth disease, and other ailments went, he said, prevalent in epidemic form to almost all parts of the reserves.

In a number of the diseases affecting Maori cattle and sheep none of us Antiseptic dipping known cures, it was decided that careful investigation would be necessary to ascertain their cause and, if possible, to devise methods of prevention and treatment. A travelling laboratory, in charge of a veterinary officer, was to consist of conducting this Branch, and it is hoped that it will be possible to carry out research work

[Maori]

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authority always tended to break down in face of the lawless and independent spirit of the Morans. In 1918 the Headmen numbered 36, of whom 18 were unpaid, and 18 received pay ranging from £5 to £36 a year, the former Paramount having a special pay of £90. Fourteen of the 18 paid Headmen were presidents of the Native Councils, and following the custom adopted in many other parts of Kenya, they were given the courtesy title of Chief.

SUBSEQUENT CHANGES IN THE SYSTEM

In the period that has passed since this system was introduced, there have been changes which have to some measure affected the structure of Masai society. The restraint exercised on cattle raiding has robbed the military organization of its former importance, while the growing value of cattle and sheep has enhanced the position of the wealthier stockholders, who now constitute, together with some men of hereditary prestige, an aristocratic element with an acknowledged leadership in Masai society. In other respects the Masai hold tenaciously to their customary institutions and mode of life, and the Morans in particular retain the tradition of indiscipline (in all but a military sense) and the aversion to labour which characterized them in the past.

The Government has in the interval effected changes also in the system of native administration above referred to, with the view of adjusting it more nearly to the pattern followed in other parts of Kenya. The Central Masai Council and the 14 Native Councils gave place in 1950 to two Local Native Councils, at Narok and Kajiado, which have now been formally constituted under the provisions of the Native Authority Ordinance of 1937. The system of tribunals has also been revised, as will be further explained below.* The Headmen have been divided into two grades, Headmen and subheadmen, of whom the former have the courtesy title of Chief. They now derive their powers from the Native Authority Ordinance of 1937.

The 18 Headmen have a pay ranging from £30 to £50 a month, and the 18 subheadmen a pay ranging from £10 to £20 per cent a month. Practically all the Headmen or subheadmen are stockholders, and represent the ruling Age-Grade in each of the different Sections; very few of them are educated or literate and only a few can speak Swahili. The Headmen and subheadmen constitute the executive agency of the District administration and of the Local Native Councils, and they are in addition charged with the collection of the native Poll Tax. This is a task which they are said to discharge with some efficiency, though as will be shown subsequently in dealing with the administration of the Tribunals, there are numerous cases of the evasion of tax. The Chiefs can call on the services of a small number of Tribal Police, recruited and controlled by the District Commissioner. Up to 1953 the Tribal Police were the only force of this nature in the Province, but since that year a unit of the Kenya Police Force has been stationed in the Narok district, largely in view of the prevalence of stock thefts.

THE LOCAL NATIVE COUNCILS

Of the two Local Native Councils, that at Narok has 10 nominated and 15 elected members, and that at Kajiado 10 nominated and 14 elected. There is, however, little difference in practice between the nominated and elected members, since all are in fact selected by the District Commissioner after

* Page 173.

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consultation with Headmen and other representatives of the different Sections. The Kajiado Council has no Headmen among its members; six members have some education, and it contains a schoolmaster, an ex-Government clerk, a trader and two well-to-do stockholders. The Narok Council has one Headman among its members, but a smaller proportion of educated men than Kajiado. Though it is said that these two Councils are fairly representative of the majority of the community, the persons who now command influence and authority are to be found rather among the Headmen and schoolmen than in the two Councils.

The two Local Native Councils are, as elsewhere in Kenya, consultative and legislative bodies. As provided in Section 15 of the Native Lands Trust Ordinance 28 of 1938, they are consulted before any action is taken to set apart plots of land for sleep sites or similar purposes. They have in addition the function of dealing with the funds available in their two Native Treasuries for expenditure on local services. In this latter capacity, the funds available are shown in the figures on page 178 taken from the estimates of 1949.

The deficit of £8,135 was to be met by drawing on accumulated balances. The principal source of Revenue is the Local Rate of 4s. in Kajiado and 3s. in Narok, the latter having been raised in 1948 to 3s. from the previous rate of 2s. per taxpayer. This rate is paid in addition to the Government Poll Tax of 15s. a head, which is somewhat higher than in most of the Provinces of Kenya. The revenue from Landed Property consisted mainly of rents of sleep sites in the Reserve.

The expenditure under the head Administration was made up of a number of miscellaneous items, the stipends of Headmen and subordinates being, as elsewhere, defrayed by the Government and not from the Native Treasuries. There is one Local Native Council school in Narok and one in Kajiado District, the teachers of which are paid from Native Treasury funds, but there are in addition a number of "manyattas," which are all boarding schools situated alongside certain "bomas," where the children live with their relatives and family cattle, and feed themselves. These schools are of a very elementary class. The Masai have up till recently been opposed to the extension of education and have in particular resisted the education of girls, though the latest reports suggest that this resistance is weakening.

There is in each Council a Finance Committee, but it is said that the members cannot understand the estimates and make no contribution to their discussion. In general, the Councils have taken little interest in matters which do not relate directly to their livestock, and the younger men are said to hesitate to express their views in the presence of their elders. In their legislative capacity the Councils have passed, on the instance of the District Commissioners, Resolutions which follow the "model" Resolutions regarding soil conservation, the cultivation of land on river banks and the burning of bush, to which reference will be found in the parts of this Chapter dealing with other Provinces.

The two Local Native Councils have joint meetings twice a year at Ngong to consider matters affecting Masai as a whole, and reference will be made subsequently to proposals for giving this conference a more regular position.

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561 grades, which has resulted in marking off the whole of the younger men,
701 roughly up to the age of twenty-seven or thirty, as a warrior class (morans) who are not only free from most obligations to work, but are independent in many other respects of tribal discipline. Though therefore authority has rested
623 nominally with the Elders (laigwanak) who have passed the stage of morans,
642 and with the Councils of Elders who formed a regular feature of the Masai
701 tribal usage, these Councils have not in the past nor are they to-day able to
561 enforce decisions which may affect the younger men. It is true that the Elders have recently made decisions, accepted by the morans themselves, which will limit the period of moran-hood and may provide the morans with work on betterment schemes, but it still remains to be seen how far these will be effective in providing a solution for a problem of which the economic is no less serious than the social aspect.

195 Attempts were at one time made in Tanganyika, as also in Kenya, to
791 utilize the Laibon, the spiritual head of the Tanganyika Masai, as Native
623 Authority. But the Masai themselves objected to his occupying this position, and as the result of a Sociological Survey made by H. A. Fosbrooke in 1938, the system was altered. The gazetted Native Authority then became the Masai Council, which in practice consisted of Headmen and Elders, and apparently also of any tribesmen outside the moran age grade who cared to attend. But this Council was in effect only a consultative body, without any practical authority, and since the Headmen were not gazetted as Native Authorities, they had no legal power to issue Orders under Section 8 of the Native Authority Ordinance.

●646 A further reorganization has now been carried out. Each area now has its own Local Council, with locally elected representatives of age grades and clans, and these Councils have been gazetted as Subordinate Native Authorities. Representatives from each Local Council, differing in numbers in accordance with the size and population of the area involved, compose the Masai Council, which is the Superior Native Authority for the whole Masai District, excluding Soonjo. The Council is now limited to these representatives: there is, however, provision for the addition of moran or nominated members if and when advisable. The Local Councils have begun to exercise their Order making powers under Section 8 of the Native Authority Ordinance. There are 41 paid Headmen, chosen by members of their own age grade.

652 There is a Masai Native Treasury, which however is managed entirely by
000 the District Commissioner. The small Soonjo tribe has a Council of Soonjo Headmen, which is gazetted as a Native Authority, and has a separate Treasury.

THE WORKING OF THE NATIVE AUTHORITY SYSTEM

The variety of conditions is so great that it is difficult to generalize on the operation of the system of native administration in the Province as a whole. There are, however, certain points of special significance. The recent reorganization in the Chagga Native Authority area has placed in a superior position three Chiefs who already had a high status in view of the number of taxpayers in their jurisdiction, but its future success will depend on the extent to which these Chiefs can secure the co-operation of the more progressive elements who have now been brought within the framework of the system, as members of the new Divisional Councils. This is especially necessary, in view of the characteristics of Chagga society, for although the Chagga are probably the